

II. REMARKS

A. General

In the Applicant's previous communication dated April 22, 2004, it was requested that the Examiner comment on the merits of the Applicant's arguments to the effect that claims 31-52 and 64-69 should be jointly considered with claims 1 and 6-30.

The Applicant gratefully acknowledges the Examiner's comments on page 3 of the Office Action indicating that the restriction requirement for claims 31-52 and 64-69 has been vacated.

B. Summary of the Amendments

The present application now contains 77 claims, since claims 31-52 and 64-69 have now been re-grouped with claims 1, 6-30 and 70-92.

Claims 1, 6-52 and 64-92 remain the same.

Claims 53-63 remain withdrawn.

No new matter has been added to the present application under the present amendment.

C. Summary of the Rejections and Reply

In the Office Action, the Examiner has rejected claims 1, 6-52 and 64-92 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent no.

6,625,584 (hereafter to be referred to as Bains et al).

The Applicant respectfully disagrees with the Examiner's rejection and submits that claims 1, 6-52 and 64-92 distinguish patentably over the cited reference for the reasons presented below.

Claim 1

The Examiner's attention is respectfully directed towards the following limitation of independent claim 1.

A computer readable storage medium containing a program element for execution by a CPU, said program element comprising:

- a) a first program component for causing a computer to deliver first information to a user, the first information prompting the user to enter at the computer information about a rail transportation service for shipment of goods by one or more railcars;
- b) a second program component for receiving information about a basic pool of railcars, **said second program component implementing a filter for filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars, said second program component causing the computer to deliver second information to the user, the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars for the shipment of goods;**
- c) a third program element for computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the claimed invention. More specifically, the Applicant respectfully submits that Bains et al. does not teach or suggest the above emphasized limitation of "a second program component implementing a filter for filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars, said second program component causing the computer to deliver second information to the user, the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars" [emphasis added].

Instead, Bains et al. simply discloses enabling a customer to enter information relating to a shipping need by selecting cargo transport information at an agent terminal, and providing the customer with a price for the options selected. The cargo transport information comprises load port criteria, discharge port criteria, transit time criteria, equipment criteria, service criteria and commodity criteria.

Although Bains et al. discloses enabling a user to enter equipment criteria at a user terminal, nowhere does Bains et al. teach that a pool of railcars, or other pool of equipment, is filtered based on the equipment criteria entered by the user, or any other filtering criteria for that matter. Furthermore, even if Bains et al. did teach that a pool of railcars, or other equipment, was filtered based on filtering criteria, which the Applicant respectfully submits is not the case, Bains et al. does not teach that the user is then prompted to select one or more railcars, or other equipment, from that filtered list. As such, Bains et al. does not teach all of the limitations of independent claim 1.

On page 2 of the Office Action, the Examiner indicates that Bains et al. discloses "a second program component 511 for receiving information about an available pool of shipping resources based on entered criteria and limited or "filtered" with respect to that criteria (column 6, 54-64)". The Applicant respectfully submits that column 6, lines 54-64 does not disclose what the Examiner is suggesting. Instead, column 6, lines 54-64 simply discloses that a central controller calculates the price of an option based on the cargo transport information received from the user. There is nothing in column 6, lines 54-64, or anywhere else in Bains et al. for that matter, to suggest anything related to "limiting" or "filtering" a pool of railcars, or other equipment, based on entered criteria.

In addition to the fact that Bains et al. does not disclose the above emphasized limitation of independent claim 1, the Applicant respectfully

submits that it would not have been obvious to a person of skill in the art to modify Bains et al. in order to arrive at the limitation found in independent claim 1. As such, and until the Examiner has shown otherwise, the Applicant respectfully submits that independent claim 1 is novel and non-obvious over the cited prior art, and as such is in condition for allowance.

If the Applicant's argument is unconvincing, and the Examiner continues to hold that Bains et al. discloses the above emphasized limitations of independent claim 1, the Examiner is respectfully invited to indicate where in the Bains et al. document the limitation of "filtering" a pool of railcars, or other equipment, is taught, and more specifically, where the limitation of "prompting" a user to select one or more railcars from a filtered list of railcars is found.

Claims 6-29

Claims 6-29 depend from independent claim 1, and as such include by reference all the limitations contained therein, including the following limitation which has already been shown to be absent from Bains et al.

a second program component for receiving information about a basic pool of railcars, said second program component implementing a filter for filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars, said second program component causing the computer to deliver second information to the user, the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars for the shipment of goods;

Accordingly, the Applicant respectfully submits that dependent claims 6-29 are also novel, non-obvious and in condition for allowance, over Bains et al.

Claim 30

The Examiner's attention is respectfully directed towards the following limitation of independent claim 30.

A method for computing the price for shipping goods, comprising:

- a) causing a computer to deliver first information to a user, the first information prompting the user to enter at the computer information about a rail transportation service for shipment of goods by one or more railcars;
- b) receiving information about a basic pool of railcars and **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars;**
- c) causing the computer to deliver second information to the user, the second information **prompting the user to select at the computer one or more railcars among the filtered pool of railcars for the shipment of goods;**
- d) computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

For the same reasons as those presented above with respect to independent claim 1, the Applicant respectfully submits that Bains et al. does not disclose, teach or suggest the above limitation of "filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars". In addition, and as mentioned above with respect to independent claim 1, even if Bains et al. did teach that a pool of railcars was filtered based on filtering criteria, with which the Applicant respectfully disagrees, Bains et al. does not teach "prompting the user to select at the computer one or more railcars among the filtered pool of railcars".

Accordingly, the Applicant respectfully submits that Bains et al. does not satisfy all of the limitations of independent claim 30. In addition, the Applicant respectfully submits that it would not have been obvious to a person of skill in the art to modify Bains et al. in order to arrive at the limitations found in independent claim 30.

As such, until the Examiner has shown otherwise, the Applicant respectfully submits that independent claim 30 is also novel and non-obvious over the cited prior art, and as such is in condition for allowance.

Claims 31-52

Claims 31-52 depend from independent claim 30, and as such include by reference all the limitations contained therein, including the following

limitations which have already been shown to be absent from Bains et al.

...filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars;
...prompting the user to select at the computer one or more railcars among the filtered pool of railcars;

Accordingly, the Applicant respectfully submits that dependent claims 31-52 are also novel, non-obvious and in condition for allowance, over Bains et al.

Claim 64

The Examiner's attention is respectfully directed towards the following limitation of independent claim 64.

A server system for computing a quote for a price for shipping goods by rail, said server system containing a program element for execution by a CPU, said program element comprising:

- a) a first program component for causing a client system to deliver first information to a user, the first information prompting the user to enter at the client system information about a rail transportation service for shipment of goods by one or more railcars;
- b) a second program component for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component causing the client system to deliver second information to the user, the second information **prompting the user to select at the client system one or more railcars among the filtered pool of railcars for the shipment of goods;**
- c) a third program element for computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

For the same reasons as those presented above with respect to independent claim 1, the Applicant respectfully submits that Bains et al. does not disclose, teach or suggest the limitation of "filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars". In addition, and as mentioned above with respect to independent claim 1, even if Bains et al. did teach that a pool of railcars was filtered based on filtering criteria, with which the Applicant respectfully disagrees, Bains et al. does not teach "prompting the user to select at the client system one or more railcars among the filtered pool of railcars".

Accordingly, the Applicant respectfully submits that Bains et al. does not satisfy all of the limitations of independent claim 64. In addition, the Applicant respectfully submits that it would not have been obvious to a person of skill in the art to modify Bains et al. in order to arrive at the limitations found in independent claim 64.

As such, until the Examiner has shown otherwise, the Applicant respectfully submits that independent claim 64 is novel and non-obvious over the cited prior art, and as such is in condition for allowance.

Claims 65-66

Claims 65-66 depend from independent claim 64, and as such include by reference all the limitations contained therein, including the following limitation which has already been shown to be absent from Bains et al.

a second program component for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component causing the client system to deliver second information to the user, the second information **prompting the user to select at the client system one or more railcars among the filtered pool of railcars for the shipment of goods**;

Accordingly, the Applicant respectfully submits that dependent claims 65-66 are also novel, non-obvious and in condition for allowance, over Bains et al.

Claim 67

The Examiner's attention is respectfully directed towards the following limitation of independent claim 67.

A client-server system for computing a quote for a price for shipping goods by rail, comprising:

- a) a client system;
- b) a server system, said client system and said server system operative to exchange messages over a data network;
- c) a first program component for execution on said server system for sending messages to said client system causing said client system to deliver information

- prompting the user to enter at the client system information about a rail transportation service for shipment of goods by one or more railcars;
- d) a second program component for execution on said server system for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component sending messages to said client system causing said client system to deliver information to the user **prompting the user to select at said client system one or more railcars among the filtered pool of railcars for the shipment of goods**;
 - e) said client system being operative to send to said server system messages to communicate to said server the information about the rail transportation service entered by the user and the one or more rail cars selected by the user;
 - f) a third program element executed at said server system for computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

For the same reasons as those presented above with respect to independent claim 1, the Applicant respectfully submits that Bains et al. does not disclose, teach or suggest the limitation of "filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars". In addition, and as mentioned above with respect to independent claim 1, even if Bains et al. did teach that a pool of railcars was filtered based on filtering criteria, with which the Applicant respectfully disagrees, Bains et al. does not teach "prompting the user to select at the client system one or more railcars among the filtered pool of railcars".

Accordingly, the Applicant respectfully submits that Bains et al. does not satisfy all of the limitations of independent claim 67. In addition, the Applicant respectfully submits that it would not have been obvious to a person of skill in the art to modify Bains et al. in order to arrive at the limitation found in independent claim 67.

As such, until the Examiner has shown otherwise, the Applicant respectfully submits that independent claim 67 is novel and non-obvious over the cited prior art, and as such is in condition for allowance.

Claims 68-69

Claims 68-69 depend from independent claim 67, and as such include by reference all the limitations contained therein, including the following limitation which has already been shown to be absent from Bains et al.

a second program component for execution on said server system for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component sending messages to said client system causing said client system to deliver information to the user **prompting the user to select at said client system one or more railcars among the filtered pool of railcars for the shipment of goods**;

Accordingly, the Applicant respectfully submits that dependent claims 68-69 are also novel, non-obvious and in condition for allowance, over Bains et al.

Claim 70

The Examiner's attention is respectfully directed towards the following limitation of new claim 70.

A computer readable storage medium containing a program element for execution by a CPU, said program element comprising:

- a) a first program component for causing a computer to deliver first information to a user, the first information prompting the user to enter at the computer information about a rail transportation service for shipment of goods by one or more railcars;
- b) a second program component for receiving information about a basic pool of railcars, said second program component implementing a filter for **filtering the basic pool of railcars, at least in part on the basis of information about the type of goods to be shipped, to produce a filtered pool of railcars**, said second program component causing the computer to deliver second information to the user, the second information **prompting the user to select at the computer one or more railcars among the filtered pool of railcars for the shipment of goods**;
- c) a third program element for computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the invention claimed in claim 70. More specifically, Bains et al. does not teach a "second program

component implementing a filter for filtering the basic pool of railcars, at least in part on the basis of information about the type of goods to be shipped, to produce a filtered pool of railcars”.

As mentioned above, the Applicant respectfully submits that Bains et al. does not disclose, teach or suggest the limitation of filtering a basic pool of railcars on the basis of one or more filtering criteria to produce a filtered pool of railcars. As such, given that Bains et al. does not teach filtering a pool of railcars on the basis of one or more filtering criteria, the Applicant further submits that Bains et al. certainly does not teach that a basic pool of railcars is filtered on the basis of the type of goods to be shipped.

Accordingly, the Applicant respectfully submits that Bains et al. does not teach all of the limitations of independent claim 70. In addition, the Applicant respectfully submits that it would not have been obvious to a person of skill in the art to modify Bains et al. in order to arrive at the limitation found in independent claim 70.

Accordingly, the Applicant respectfully submits that independent claim 70 is novel and non-obvious over the cited prior art, and as such is in condition for allowance.

If the Examiner feels that the subject matter contained in new claim 70 is taught by Bains et al., the Examiner is respectfully invited to indicate where in the Bains et al. reference, each of the limitations of independent claim 70 is disclosed.

Claims 71-92

Claims 71-92 depend from independent claim 70, and as such include by reference all the limitations contained therein, including the following limitation which has already been shown to be absent from Bains et al.

filtering the basic pool of railcars, at least in part on the basis of information about the type of goods to be shipped, to produce a filtered pool of railcars,


Accordingly, the Applicant respectfully submits that dependent claims 71-92 are also novel, non-obvious and in condition for allowance, over Bains et al.

III. CONCLUSION

In view of the above, it is respectfully submitted that claims 1, 6-52 and 64-92 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1, 6-52 and 64-92 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,


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